



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

February 9, 2004

FEB 20 2004

Serial No. 10/004,494
Applicant: Yung-Fu CHANG OFFICE OF PETITIONS
Filed: 11/02/2001
Title: EHRlichia CANIS GENES AND VACCINES
Attorney Docket No.: CRF-2322CIP

HONORABLE COMMISSIONER OF PATENTS
Alexandria, VA 22313

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR § 1.181

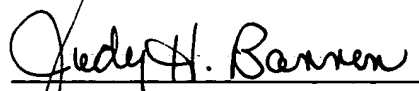
The above-identified application was abandoned by the United States Patent Office for failure to receive a reply to the Notice to File Missing Parts mailed on February 14, 2002. The Notice of Abandonment mailed February 6, 2004 indicates that the reply was never received.

Applicant submitted a statement under 37 CFR §1.821 (f) & (g), a diskette containing the sequence listing, a copy of the Notice to Comply, and a paper copy of the sequence listing as provided on the diskette on March 11, 2002. The Return Postcard (MPEP 503) indicated that the United States Patent and Trademark Office received the statement under 37 CFR §1.821 (f) & (g), the diskette containing the sequence listing, a copy of the Notice to Comply, and a paper copy of the sequence listing as provided on the diskette on March 14, 2002.

A copy of the Return Postcard (MPEP 503) is filed with this petition as *prima facie* evidence, as well as the statement under 37 CFR §1.821 (f) & (g), another diskette containing the sequence listing, the copy of the Notice to Comply, and a paper copy of the sequence listing as

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited in the U.S. Postal Service as Certified Mail
7002 0860 0005
No: 0304 1273 with a return receipt requested, in an envelope addressed to the
Commissioner of Patents and Trademarks, Washington, D.C. 20231 on 2-9-04


Judy H. Barron

provided on the diskette as was filed on March 11, 2002, and received by the United States Patent and Trademark Office on March 14, 2002.

Applicant hereby petitions for the withdrawal of the holding of abandonment.

Respectfully Submitted:

Yung-Fu CHANG

By: 

Lynda Wood, Reg. No. 53,791
Attorney for Applicant

BROWN & MICHAELS, P.C.

400 M&T Bank Building - 118 N. Tioga St.

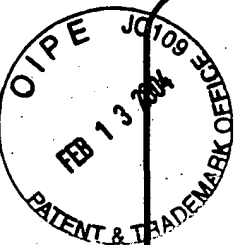
Ithaca, NY 14850

(607) 256-2000 • (607) 256-3628 (fax)

e-mail: lwood@bpmlegal.com

Dated: February 9, 2004

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/004,494
Filing Date	11/02/2001
First Named Inventor	Yung-Fu Chang
Group Art Unit	
Examiner Name	
Attorney Docket Number	CRF-2322

Total Number of Pages in This Submission

3

ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment / Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):

Statement Under 37 CFR 1.821

Sequence List & Disk

Notice to Comply with Requirements

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
or
Individual name

Brown & Michaels, PC

Signature

Date

3/11/02

CERTIFICATE OF MAILING

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Typed or printed name

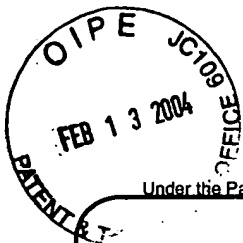
Judy H. Barron

Signature

Date

3/11/02

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

OFFICE OF PETITIONS

TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Application Number	10/004,494
Filing Date	11/02/2001
First Named Inventor	Yung-Fu Chang
Art Unit	
Examiner Name	
Attorney Docket Number	CRF-2322 CIP

Total Number of Pages in This Submission

47

ENCLOSURES (Check all that apply)

- | | | |
|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance communication to Technology Center (TC) |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input checked="" type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Request for Refund | PostCard |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> CD, Number of CD(s) _____ | Notice of Abandonment Under 37CRR 1.53(f) OR (g) |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <div>Remarks</div> <div>Sequence Listing and Disk
US Postal Filing Documents
Notice to Comply with Requirements for Sequence</div> | |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Brown & Michaels, PC
Signature	
Date	2/9/04

CERTIFICATE OF TRANSMISSION/MAILING

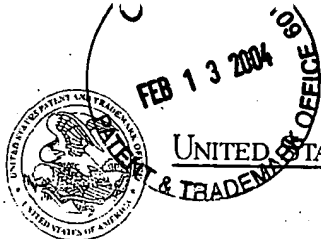
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Judy H. Barron
-----------------------	----------------

Signature		Date	2/9/04
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20230
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/004,494	11/02/2001	Yung-Fu Chang	CRF-2322 CIP

020808
BROWN PINNISI & MICHAELS
400 M & T BANK BUILDING
118 NORTH TIOGA ST
ITHACA, NY 14850

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FEB 20 2004

OFFICE OF PETITIONS

CONFIRMATION NO. 9399

FORMALITIES LETTER



OC000000007479767

Date Mailed: 02/14/2002

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/004,494	11/02/2001	Yung-Fu Chang	CRF-2322 CIP

020808
 BROWN & MICHAELS, PC
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 ITHACA, NY 14850

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OFFICE OF PETITIONS

CONFIRMATION NO. 9399

ABANDONMENT/TERMINATION
LETTER

OC000000011851965

Date Mailed: 02/06/2004

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 02/14/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Docket No. CRF-2322 CIP Serial/Patent No. J/004,494
Title: Ehrlichia canis Genese and Vaccines
Inventor/s: Yung-Fu Chang

The following, due _____ in the-USPTO was received in the Patent Office Mail Room on the date stamped hereon:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Transmittal | <input type="checkbox"/> Petition or Request for _____ |
| <input type="checkbox"/> Fee Transmittal | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Specification | <input type="checkbox"/> Appeal Brief |
| <input type="checkbox"/> Drawings | <input type="checkbox"/> Request for Time Extension |
| <input type="checkbox"/> Declaration/POA | <input type="checkbox"/> IDS <input type="checkbox"/> _____ References |
| <input type="checkbox"/> Assignment/Cover | <input type="checkbox"/> Issue Fee & Transmittal |
| <input checked="" type="checkbox"/> Sequence List & Disk | <input type="checkbox"/> Response to Office Action |
| <input type="checkbox"/> Stmt. Under 37 CFR § 1.821 | <input type="checkbox"/> Missing Parts Form & Fee |
| <input type="checkbox"/> Associate POA | <input type="checkbox"/> Rule 131/132 Declaration |
| <input type="checkbox"/> Provisional Patent Appl. & Cover | <input type="checkbox"/> Maintenance Fee & Transmittal |
| <input type="checkbox"/> Check # _____ \$ _____ | <input checked="" type="checkbox"/> Other: <u>Notice to Comply</u> |

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7001 1940 0001 4327 3341



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OFFICE OF PETITIONS

Docket No. CRF-2322 CIP Serial/Patent No. 10/004,494

Title: *Erlichia canis* Genese and Vaccines

Inventor/s: Yung-Fu Chang

The following, due _____ in the USPTO was received in the Patent Office Mail Room on the date stamped hereon:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Transmittal | <input type="checkbox"/> Petition or Request for _____ |
| <input type="checkbox"/> Fee Transmittal | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Specification | <input type="checkbox"/> Appeal Brief |
| <input type="checkbox"/> Drawings | <input type="checkbox"/> Request for Time Extension |
| <input type="checkbox"/> Declaration/POA | <input type="checkbox"/> IDS <input type="checkbox"/> References |
| <input type="checkbox"/> Assignment/Cover | <input type="checkbox"/> Issue Fee & Transmittal |
| <input checked="" type="checkbox"/> Sequence List & Disk | <input type="checkbox"/> Response to Office Action |
| <input type="checkbox"/> Stmt. Under 37 CFR § 1.821 | <input type="checkbox"/> Missing Parts Form & Fee |
| <input type="checkbox"/> Associate POA | <input type="checkbox"/> Rule 131/132 Declaration |
| <input type="checkbox"/> Provisional Patent Appl. & Cover | <input type="checkbox"/> Maintenance Fee & Transmittal |
| <input type="checkbox"/> Check # _____ \$ _____ | <input checked="" type="checkbox"/> Other: <i>Notice to Comply</i> |

Mailed 3/11/02

By: *JB*

7001 1940 0001 4327 3341

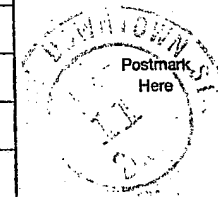
U.S. Postal Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage	\$.57
Certified Fee	2.10
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.17



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or PO Box No. Box 2327

City, State, ZIP+4
Arlington, VA 22202

PS Form 3800, January 2001

See Reverse for Instructions

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